

UNITED STATES DISTRICT COURT  
for the  
Northern District of Ohio

United States of America )  
v. )  
Zion Mitchell ) Case No.  
 ) 3:23MJ5343  
 )  
 )  
 )  
 )

**Defendant(s)**

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 5/14/2021 through 8/2/2023 in the county of Lucas in the  
Northern District of Ohio, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 922(a)(6), 924(a)(2)	False Statement While Purchasing Firearm

This criminal complaint is based on these facts:

**SEE ATTACHED AFFIDAVIT**

Continued on the attached sheet

Robert A. Kay  
Complainant's signature

Robert Kay - ATF Task Force Officer

*Printed name and title*

Sworn to via telephone after submission by reliable electronic means. Fed. R. Crim. P. 3, 4(d), and 4.1.

Date: Aug 25, 2023

City and state: Toledo, Ohio

Robert Kay - ATF Task Force Officer

*Printed name and title*

James D. Kapp, Jr.

Judge's signature

James B. Knapp, U.S. District Judge

**Printed name and title**

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**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR  
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Robert Kay, being duly sworn, do hereby state the following:

**INTRODUCTION**

1. I make this affidavit in support of an application under Rule 4 of the Federal Rules of Criminal Procedure for a criminal complaint and arrest warrant authorizing the arrest of Zion MITCHELL (“MITCHELL”), for a felony charge of: Title 18, United States Code, Sections 922(a)(6) and 924(a)(2) (false statement while purchasing a firearm), the “**TARGET OFFENSE**,” in the Northern District of Ohio.

2. The facts and information set forth in this affidavit are based on my personal observations, review of records and images, my training and experience, and, as specifically attributed below, information obtained from law enforcement officers, including officers of the Toledo Police Department (TPD), special agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and witnesses. To the extent that any information in the affidavit is not within my personal knowledge, it has been made available to me through reliable law enforcement sources, and I believe such information to be true.

3. This affidavit is made for the limited purpose of demonstrating probable cause for the issuance of the requested complaint and arrest warrant for **MITCHELL** and does not purport to set forth all my knowledge of, or investigation into, this matter. Rather, I have set forth only those facts necessary to establish probable cause that a violation of the federal law identified above has occurred.

4. Where statements made by other individuals (including other law enforcement officers) are referenced in this Affidavit, such statements are described in sum and substance and in relevant part. Similarly, where information contained in reports and other documents or

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records are referenced in this Affidavit, such information is also described in sum and substance and in relevant part.

**AFFIANT BACKGROUND**

5. I am a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been employed for approximately two years. As a TFO, I am currently assigned to the Toledo Field Office. I am also a Detective with the Toledo Police Departments Crime Gun Intelligence Center (CGIC). I am a sworn police officer with the Toledo Police Department and have been for twenty-three years.

6. I am an investigator and law enforcement officer of the United States within the meaning of 18 U.S.C. § 3051. I am empowered by law to conduct investigations, to execute search warrants, and to make arrests for offenses of Federal law, including the **TARGET OFFENSE**.

**RELEVANT STATUTE**

7. 18 U.S.C. § 922(a)(6), makes it unlawful for any person in connection with the acquisition or attempted acquisition of any firearm or ammunition from a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, knowingly to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive such importer, manufacturer, dealer, or collector with respect to any fact material to the lawfulness of the sale or other disposition of such firearm or ammunition.

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PROBABLE CAUSE

8. Affiant is investigating Zion **MITCHELL** for certifying false statements on ATF 4473 forms during purchases of various firearms. **MITCHELL** has purchased seventeen firearms between May 14,2021, and present, with the most recent purchases being on July 30, 2023, and August 2,2023. During the two most recent purchases **MITCHELL** was accompanied by an individual who is prohibited from possessing a firearm under Ohio Revised Code section 2923.13(A)(2). **MITCHELL** and the other individual were identified by the Affiant during a review of video recordings of each purchase.

9. During all seventeen firearms purchases, **MITCHELL** provided false information on ATF form 4473. Specifically, **MITCHELL** certified in Section B-10 of each ATF form 4473 that XXX Brame, Toledo, Ohio 43613 was his residential address. These forms were completed during the purchase of firearms on May 14, 2021, May 25, 2021, July 8, 2021, September 21, 2021, January 10, 2022, March 4, 2022, March 11, 2022, May 21, 2022, July 24, 2022, August 3, 2022, October 22, 2022, October 30, 2022 (two firearms purchased on this date), January 24, 2023, February 17, 2023, July 30, 2023, and August 2, 2023.

10. On August 7,2023, your affiant, and Special Agent (S/A) Anderson of the ATF went to the address provided by **MITCHELL** on ATF form 4473 to speak with **MITCHELL**. We spoke with **MITCHELL**'s mother who advised that he has not lived at XXX Brame, Toledo, Ohio 43613 for the past four years.

11. Affiant contacted Inspector Tyler Sherman with the United States Postal Inspection Service (USPIS) to inquire whether **MITCHELL** was receiving mail at XXX Brame, Toledo, Ohio 43613. Inspector Sherman confirmed **MITCHELL** was not receiving mail through the United States Postal Service at that address. Inspector Sherman was unable to determine where **MITCHELL** is currently receiving mail.

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12. Affiant made inquiries within CLEAR, an electronic open-source database utilized by law enforcement that has proven reliable in previous investigations in determining the legitimacy of name, address, and phone number information. Affiant was unable to associate **MITCHELL** with any residential address other than XXX Brame, Toledo, Ohio 43613.

13. Affiant conducted a search of the Northwest Ohio Regional Information System (NORIS) and National Crime Information Center (NCIC) databases and determined that **MITCHELL** has not reported any firearms stolen in Lucas County as of the date of this affidavit.

14. Zion **MITCHELL** purchased six firearms that are associated with criminal activity and confiscated by TPD between August 2, 2021, and July 9, 2023. **MITCHELL** certified in Sections B-21-b and B-21-c that he did not intend to sell or otherwise dispose of the purchased firearms to any person in furtherance of any felony or other offense punishable by imprisonment for a term of more than one year. These forms were completed during the purchase of firearms on May 14, 2021, May 25, 2021, July 8, 2021, January 10, 2022, July 24, 2022, and February 17, 2023.

15. On August 2, 2021, members of the Toledo Police gang unit observed a possible drug transaction at XXXX Norwich Rd. Toledo Ohio. When these officers went to investigate, a foot pursuit ensued leading to the arrest of several suspects, the confiscation of narcotics and four firearms. One of the seized firearms was a Glock 19 9mm pistol serial # AFHH077 purchased by **MITCHELL** 80 days prior to the incident on May 14, 2021.

16. On September 8, 2021, a TPD detective with the assistance of the US Marshals arrested an individual suspected in a series of crimes. This individual was in possession of a Smith and Wesson .40 caliber pistol serial# HAH07698. This pistol was determined to have been

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used in five crimes, two separate instances of firearms discharges, two separate offenses for shooting into a habitation, and an aggravated robbery. This connection was determined through the National Integrated Ballistic Information Network (NIBIN) which compared the casings found at the crime scenes to the test fire of the firearm. **MITCHELL** purchased this firearm on May 25, 2021, 16 days prior to the earliest incident.

17. On November 26, 2022, TPD officers attempted to stop a vehicle that was stolen during a carjacking. The driver led officers on a vehicle pursuit ultimately resulting in the apprehension of several suspects and the recovery of a Taurus .40 caliber pistol serial# ACK409847. NIBIN comparisons confirmed that this firearm was used during a firearm discharge incident at an earlier date. **MITCHELL** purchased this firearm on January 10, 2022, 93 days prior to the first incident.

18. On March 19, 2023, TPD officers responded to a weapons call at XXX Islington St. Toledo Ohio 43610 they were directed to a backyard where the suspects fled on foot and were apprehended after a foot pursuit. A Glock .40 caliber pistol serial # BXZZ015 was recovered from the waistband of one of the suspects. NIBIN confirmed that this firearm was used in two prior felonious assaults. **MITCHELL** purchased this firearm on 02/17/2023, one day prior to the earliest incident.

19. On April 18, 2023, Toledo Police officers attempted to conduct a traffic stop at XXX Dorr St. Toledo Ohio 43604. The driver refused to stop which resulted in a vehicle pursuit which ultimately ended with in the apprehension of several suspects and the recovery of a Taurus 9mm pistol serial # ACD761557. **MITCHELL** purchased this firearm on July 8, 2021, 649 days prior to the incident.

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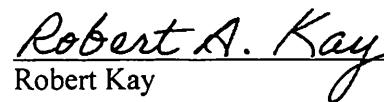
20. On 07/09/2023 TPD officers responded to XXX Bancroft Street, Toledo, Ohio 43608 after receiving a ShotSpotter alert. Shell casings and a Taurus 9mm Pistol, Serial # ADD284503, were recovered at the location. NIBIN confirmed that this firearm was discharged at this location. **MITCHELL** purchased this firearm on July 24, 2022, 350 days prior to the incident.

21. In my training and experience, it is common for persons committing offenses under 18 U.S.C. § 922(a)(6) to provide false addresses, phone numbers and other pertinent information to conceal their criminal intentions from investigators.

22. Based upon the above information, I have probable cause to believe that **MITCHELL** committed the **TARGET OFFENSE** by providing a false residential address on ATF form 4473 during each firearm purchase, which is in violation of Title 18 U.S.C., Section 922 (a)(6).

WHEREFORE, it is respectfully requested the Court Grant the Order requested herein.

Respectfully submitted,

  
\_\_\_\_\_  
Robert Kay  
TFO, ATF

Sworn to via telephone on this 25<sup>th</sup> day of August 2023 after submission by reliable electronic means. Fed.R.Crim.P. 4.1 and 41(d)(3).

  
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JAMES R. KNEPP, II  
UNITED STATES DISTRICT JUDGE